

REMARKS

In response to the Restriction Requirement, Applicants elect the invention of Group I, SEQ ID NO:16 for examination, with traverse. Applicants respectfully submit that it is improper to divide each of the sequences set forth in the present application because the sequences are short fragments from a common coding sequence (SEQ ID NO:1). As set forth in the M.P.E.P. 803.04, "nucleotide sequences encoding the same protein are not considered to be independent and distinct inventions and will continue to be examined together."

Applicants further submit that the invention of Group I and Group II are more properly rejoined than divided. As set forth in M.P.E.P. 802.01, "The term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art)." (emphasis in original).

Applicants therefore note the explicit acknowledgement by the Examiner that a method of inhibiting gene expression using a specific oligonucleotide is patentable over the oligonucleotide sequence itself.

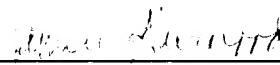
CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number KINE-001CIP4.

Respectfully submitted,

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